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2 Number of Pages (including this page)

Date: May 8, 2006
To: Examiner: Lonsberry, Hunter B.
Art Unit: 2611
Location: United States Patent and Trademark Office
Fax No.: 571-273-8300
From: Attorney: Thomas Bethua Jr. Reg. No. 53,987
Subject: Serial No. 09/830,754 Filed: 4/30/2001 Docket No. D02211

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MESSAGE:

Enclosed herewith, please find Appeal Brief Under CFR 41.37, in response to the office action dated September 9, 2005 and with reference to Notice of Appeal transmitted via facsimile on March 8, 2006, with fees due, for filing in the above-identified application.

PLEASE GIVE THESE PAPERS TO:

EXAMINER:	Lonsberry, Hunter B.
GROUP ART UNIT:	2611
ATTORNEY DOCKET NO.:	D02211

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Effective on 12/06/2004 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4616) FEE TRANSMITTAL For FY 2005 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known		CENTRAL FAX CENT	
Application Number		09/830,754		MAY 08 2006	
Filing Date		April 30, 2001			
First Named Inventor		Petr Peterka			
Examiner Name		Lonsberry, Hunter B.			
Group Art Unit		2611			
TOTAL AMOUNT OF PAYMENT		(\$) 500		Attorney Docket No. D02211	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
Application Type	Fee (\$)	Small Entity Fee (\$)	Small Entity Fee (\$)	Small Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Fee Description	Fee(\$)	Fee(\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP= **Extra Claims** x **Fee (\$)** = **Fee Paid (\$)**

Multiple Dependent Claims

Fee(\$)	Fee Paid (\$)
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Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

HP=highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE:


If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	- 100 =	Extra Sheets	/ 50 =	Number of each additional 50 or fraction thereof (round up to a whole number) x	Fee (\$)	Fee Paid (\$)

4. OTHER FEE(S)

Appeal Brief

\$500

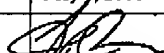
SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Thomas Bethea Jr.	Registration No.	53,987	Telephone	215-323-1850
Signature				Date	May 8 2006

MAY 08 2006

Attorney Docket No.: D02211

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant(s): Petr Peterka, et al. Examiner: Lonsberry, Hunter B.
Serial No.: 09/830,754 Group/Art Unit: 2611
Filed: April 30, 2001 Confirmation No.: 1932
Entitled: APPLICATION PROGRAMMING INTERFACE (API) FOR ACCESSING
AND MANAGING RESOURCES IN A DIGITAL TELEVISION
RECEIVER

CERTIFICATE OF TRANSMITTAL	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Centralized Facsimile No. 571-273-8300 addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	May 8, 2006
Signature:	 Thomas Bethea, Jr.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 9, 2005, and with reference to Notice of Appeal, transmitted via facsimile on March 8, 2006, Applicants submit the present timely filed Appeal Brief.

05/09/2006 NNGUYEN1 00000068 502117 09830754
01 FC:1402 500.00 DA

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L REAL PARTY IN INTEREST

The real party in interest is General Instrument Corporation, a wholly owned subsidiary of Motorola, Inc.

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II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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III. STATUS OF CLAIMS

Claims 1-20 are pending in this application. Claims 1-20 were rejected and are the subject of the present appeal.

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IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection mailed September 9, 2005.

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V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention discloses an application programming interface (API) for a television terminal that provides a uniform mechanism for gaining/controlling access to resources, managing multiple resources of the same type, and accessing the individual resource's management state and status. The API includes three packages: resource, management, and registry. In one embodiment, the API provides a resource package for registering the available resources at the terminal, a resource state management package for managing states of the resources, and a registry package for storing objects that represent the resources.

Independent claim 1 recites a television set-top terminal, comprising a computer readable medium having computer program code means and means for executing the computer program code means to implement an Application Programming Interface (API) for accessing and managing multiple resources at the terminal. The API provides a resource package for registering the available resources at the terminal, a management package for managing states of the resources, and a registry package for storing objects that represent the resources. Independent method claim 20 provides the elements of claim 1 in method step format.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1, 3, 4, 7-9, 12-17, and 20 are allowable under 35 U.S.C. § 102(b) over Menand et al (US Patent No. 5,563,648) (Menand).
2. Whether claims 2 and 11 are allowable under 35 U.S.C. § 103(a) over Menand in view of the ITU-T X.731 specification.
3. Whether claim 5 is allowable under 35 U.S.C. § 103(a) over Menand in view of Arda et al (US Patent No. 6,026,405).
4. Whether claim 6 is allowable under 35 U.S.C. § 103(a) over Menand in view of Taylor et al (U.S. Patent No. 6,310,949).
5. Whether claim 10 is allowable under 35 U.S.C. § 103(a) over Menand in view of Dasgupta (U.S. Patent No. 5,699,500).
6. Whether claims 18 and 19 are allowable under 35 U.S.C. § 103(a) over Menand in view of Alexander et al (U.S. Patent No. 6,177,931).

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VII. ARGUMENT

1. Claims 1, 3, 4, 7-9, 12-17, and 20 are allowable under 35 U.S.C. § 102(b) over Menand et al (US Patent No. 5,563,648).

With respect to 35 U.S.C. § 102, MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Rejection of claims 1 and 20

Applicants respectfully submit that Menand does not anticipate the invention as recited in claims 1 and 20 of Applicants' present invention. Specifically, Applicants respectfully submit that Menand neither discloses nor anticipates that "the API provides a resource package..., a management package..., and a registry package for storing objects that represent the resources".

Menand discloses a method for controlling execution of an audio video interactive (AVI) program. Specifically, Menand discloses controlling the execution of the AVI program comprising the following steps. "First, loading the AVI program into a memory in response to the presence of the AVI program in the packet stream. Then beginning execution of the loaded AVI program. And then minimizing the executing AVI program when a directory identifying a different AVI program is detected in the packet stream." (Menand, Abstract)

As stated above, the present invention discloses an application programming interface (API) for a television terminal that provides a uniform mechanism for gaining/controlling access to resources, managing multiple resources of the same type, and accessing the individual resource's management state and status. The API includes three packages: resource, management, and registry. In one embodiment, the API provides a resource package for registering the available resources at the terminal, a resource state management package for managing states of the resources, and a registry package for storing objects that represent the resources.

In contrast, Menand fails to disclose an API that includes a resource package, a management package, and a registry package, as recited in independent claims 1 and 20. First, Menand fails to disclose that the API provides a resource package. The Examiner cites column 5, lines 2-10 and 33-40 of Menand as anticipating a resource package. It appears that the Examiner is mischaracterizing the 'interpreter' and 'hardware driver' of Menand as a resource package provided by an API. Clearly, Menand fails to teach a resource package provided by an API. In fact, the interpreter and driver of Menand are separate and distinct from the API. (See Menand, FIG. 2) As such, Menand fails to teach that its API provides a resource package.

Second, Menand fails to disclose that the API provides a management package. The Examiner cites column 5, lines 22-31 and 35-40 as anticipating a management package. Again, it appears that the Examiner is mischaracterizing the 'event manager' of Menand as a management package provided by an API. In fact, the event manager of Menand is separate and distinct from the API. (See Menand, FIG. 2) As such, Menand fails to teach that its API provides a management package.

Third, Menand fails to disclose a registry package. The Examiner argues that Menand's multitasking kernel anticipates the registry package recited by Applicants' claims. Applicants respectfully disagree. The multitasking kernel of Menand "maintains process priorities, active task queues, signals, semaphores, preemptive task switching clock ticks, interrupts (hardware and software), and process stacks. In addition, the kernel provides hardware initialization and initiation of the first system task, which is a system loader." (Menand, col. 5, lines 40-47) Even if the kernel of Menand interacts with drivers as argued by the Examiner, Menand is still devoid of the teaching, disclosure, or suggestion that the API of Menand has a resource package, a management package, or a registry package for storing objects that represent resources. At best, the API of Menand is a basic interface that interacts with a system loader, an interpreter, and a kernel. There is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) In addition, Menand teaches that its kernel is separate and distinct from the API. The API disclosed by Menand is an interface between the kernel and other software components. (See Menand, FIG. 2) As such, it is impossible for the kernel of Menand to be the registry package provided by the API of Applicants' claims.

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Rejection of claim 3

Applicants submit that claim 3 is allowable over the cited reference based at least on its dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claim 3 is also independently patentable because claim 3 includes limitations not taught or suggested by the cited reference. Applicants disagree with the Examiner's mischaracterization of "available resources" as claimed by Applicants'. Menand teaches that a software driver associated with a hardware adapter interacts with the CPU and the registers. "The driver performs the actual interaction between the CPU 410 and the registers in the associated hardware adapter via the system bus 416." (Menand, col. 5, lines 33-35) This software driver is separate and distinct from the API. As stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, even if Menand discloses the existence of similar available resources, e.g. a modem, Menand still fails to disclose that a resource package, provided by the API of Applicants' claims, registers the available resources.

Rejection of claim 4

Applicants submit that claim 4 is allowable over the cited reference based at least on its dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claim 4 is also independently patentable because claim 4 includes limitations not taught or suggested by the cited reference. Applicants disagree with the Examiner's mischaracterization of a "resource registry" as claimed by Applicants'. Menand teaches that "the system loader, performs system initialization and monitors the data stream to ensure that the execution of the application program is in synchronism with the received audio and video components." (Menand, col. 11, lines 13-16) This system loader is separate and distinct from the API. As stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, Menand fails to disclose a resource registry provided by the API of Applicants' claims.

Rejection of claim 7

Applicants submit that claim 7 is allowable over the cited reference based at least on its dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claim 7 is also independently patentable because claim 7 includes limitations not taught or suggested by the cited reference. Applicants disagree with the

Examiner's mischaracterization that Menand discloses that "the API monitors behavior of the resources and attaches corresponding management information to the resources" as claimed by Applicants'. Menand teaches that "the system loader, performs system initialization and monitors the data stream to ensure that the execution of the application program is in synchronism with the received audio and video components." (Menand, col. 11, lines 13-16) This system loader is separate and distinct from the API. As stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, Menand fails to disclose that "the API monitors behavior of the resources and attaches corresponding management information to the resources".

Rejection of claims 8, 9, 12, and 15

Applicants submit that claims 8, 9, 12, and 15 are allowable over the cited reference based at least on their dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claims 8, 9, 12, and 15 are also independently patentable because claims 8, 9, 12, and 15 include limitations not taught or suggested by the cited reference. Applicants disagree with the Examiner's mischaracterization that Menand discloses that "said API enables the resources to advertise their respective states to at least one application at the terminal", as recited in claim 8, "said API enables the application to access the advertised states of the advertising resources", as recited in claim 9, "said API enables the resources to advertise respective availability statuses thereof to at least one application at the terminal", as recited in claim 12, and "said API enables the resources to advertise respective administrative states thereof to at least one application at the terminal", as recited in claim 15. Menand teaches that "the system loader, performs system initialization and monitors the data stream to ensure that the execution of the application program is in synchronism with the received audio and video components." (Menand, col. 11, lines 13-16) The Examiner argues that Figure 5, step 56 of Menand teaches what is recited in claims 8, 9, 12, and 15. "FIG. 5 is a flow diagram illustrating the initialization function of the system loader." (Menand, col. 11, lines 16-17) As shown in FIG. 2, this system loader is separate and distinct from the API. The Examiner is improperly attributing the functionality of the system loader of Menand to the API. In addition, as stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, Menand fails to disclose what is recited in claims 8, 9, 12, and 15.

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Rejection of claims 13, 14, and 16

Applicants submit that claims 13, 14, and 16 are allowable over the cited reference based at least on their dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claims 13, 14, and 16 are also independently patentable because claims 13, 14, and 16 include limitations not taught or suggested by the cited reference. Applicants disagree with the Examiner's mischaracterization that Menand discloses that "said API enables the resources to advertise respective procedural statuses thereof to at least one application at the terminal", as recited in claim 13, "said API enables the resources to advertise respective operational states thereof to at least one application at the terminal", as recited in claim 14, and "said API enables the resources to advertise respective usage states thereof to at least one application at the terminal", as recited in claim 16. Menand teaches that "the system loader, performs system initialization and monitors the data stream to ensure that the execution of the application program is in synchronism with the received audio and video components." (Menand, col. 11, lines 13-16) The Examiner argues that Figure 5, step 56 of Menand teaches what is recited in claims 13, 14, and 16. "FIG. 5 is a flow diagram illustrating the initialization function of the system loader." (Menand, col. 11, lines 16-17) As shown in FIG. 2, this system loader is separate and distinct from the API. The Examiner is improperly attributing the functionality of the system loader of Menand to the API. In addition, as stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, Menand fails to disclose what is recited in claims 13, 14, and 16.

Rejection of claim 17

Applicants submit that claim 17 is allowable over the cited reference based at least on its dependence upon claim 1, which was shown to be allowable above. In addition, Applicants submit that claim 17 is also independently patentable because claim 17 includes limitations not taught or suggested by the cited reference. Applicants disagree with the Examiner's mischaracterization that Menand teaches that "the resources are used for downloadable applications at the terminal" as claimed by Applicants'. The Examiner argues that Menand teaches the broadcast of an interactive commercial. As stated above, there is no teaching in Menand of an API that functions as anything other than a basic interface. (See Menand, col. 5, lines 6-10) As such, even if the Examiner's assertion that the interactive commercial of Menand reads on a downloadable application as claimed, Menand still fails to disclose that

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resources registered by a resource package provided by an API are used for the interactive commercial.

Therefore, Applicant respectfully submits that claims 1, 3, 4, 7-9, 12-17, and 20 define patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claims 1, 3, 4, 7-9, 12-17, and 20 under 35 U.S.C. § 102(b), with instructions for the Examiner to allow claims 1, 3, 4, 7-9, 12-17, and 20.

2. Claims 2 and 11 are allowable under 35 U.S.C. § 103(a) over Menand in view of the ITU-T X.731 specification.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (MPEP 2142). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01).

Applicant respectfully submits that neither Menand nor the ITU-T X.731 specification, taken singly or in any permissible combination teach disclose or suggest what is recited in claims 2 and 11. The Examiner concedes that Menand fails to disclose the use of the ITU-T X.731 state management standard, as recited in claim 2. The Examiner also concedes that Menand fails to disclose advertising alarm statuses to an application, as recited in claim 11. In order to cure the Examiner's perceived deficiency of Menand, the ITU-T X.731 specification is cited by the Examiner.

Applicants assert that claims 2 and 11 are patentable at least by virtue of the Arguments presented in Section VII. 1. of this Appeal. In addition, Applicants submit that the cited references are devoid of the teaching or suggestion of a management package, as recited in claim 2 or that the API enables the resources to advertise respective alarm statuses thereof to at least one application at the terminal, as recited in claim 11. As stated above in Section VII. 1., the API of Menand is nothing more than a basic interface. The Examiner's citation to the ITU-T X.731 specification fails to cure the deficiencies of Menand.

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Therefore, Applicants respectfully submit that claims 2 and 11 define patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claims 2 and 11 under 35 U.S.C. § 103(a), with instructions for the Examiner to allow claims 2 and 11.

3. Claim 5 is allowable under 35 U.S.C. § 103(a) over Menand in view of Arda et al (US Patent No. 6,026,405).

Applicant respectfully submits that neither Menand nor Arda, taken singly or in any permissible combination teach disclose or suggest what is recited in claim 5. The Examiner concedes that Menand fails to disclose that the API is independent of an operating system and hardware of the terminal. In order to cure the Examiner's perceived deficiency of Menand, Arda is cited by the Examiner.

Arda discloses an apparatus and method of mapping a file name to a computer system in a network of computer systems. In a first embodiment, a list of names of the computer systems starting with a root name is created. The filename itself starts with a root name and consists of an aggregation of names. When the filename is obtained, each name is matched one at a time and in the order of appearance to the names in the list. In order for a match, the order of appearance of the names in the list of names and that of the names in the filename must be the same. The last name in the list of names to be matched with a name in the filename represents a computer system within which the file is contained. In a second embodiment, the list of names is in the form of a tree of names. Matching the names of the tree to the names in the filename includes traversing a branch of that tree to a leaf node, the leaf node being the last node in the tree. (Arda, Abstract)

Applicants assert that claim 5 is patentable at least by virtue of the Arguments presented in Section VII. 1. of this Appeal. In addition, Applicants submit that Menand teaches away from being "independent of an operating system and hardware of the terminal". The methods described by Menand are clearly dependent on the multitasking kernel. In the Final Office Action dated September 9, 2005, the Examiner cited the definition of "kernel" from the Microsoft Computer dictionary. The Microsoft Computer dictionary defines a kernel as "the core of an operating system..." As such, the multitasking kernel of Menand cannot be independent of an operating system as argued by the Examiner. Thus, Arda cannot be properly combined with Menand.

Therefore, Applicants respectfully submit that claim 5 defines patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claim 5 under 35 U.S.C. § 103(a), with instructions for the Examiner to allow claim 5.

4. Claim 6 is allowable under 35 U.S.C. § 103(a) over Menand in view of Taylor et al (US Patent No. 6,310,949).

Applicant respectfully submits that neither Menand nor Taylor, taken singly or in any permissible combination teach disclose or suggest what is recited in claim 5. The Examiner concedes that Menand fails to disclose that the API groups resources of the same type, and manages the grouped resources as a group. In order to cure the Examiner's perceived deficiency of Menand, Taylor is cited by the Examiner.

Taylor discloses an intelligent communications network. In one embodiment, a service node is used in an intelligent communications network for providing services for customers. (Taylor, Abstract)

Applicants assert that claim 6 is patentable at least by virtue of the Arguments presented in Section VII. 1. of this Appeal. In addition, Applicants submit that Menand, as stated above in Section VII. 1. of this Appeal, teaches that its API is only a basic interface. The functionality that the Examiner argues is implemented by the API of Menand is, in fact, attributed by Menand to applications separate and distinct from the API. As such, since Menand clearly refers to its API as a basic interface, Menand can be said to teach away from the increased complexity of the functionality attributed to the API of Taylor. Thus, Taylor cannot be properly combined with Menand.

Therefore, Applicants respectfully submit that claim 6 defines patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claim 6 under 35 U.S.C. § 103(a), with instructions for the Examiner to allow claim 6.

5. Claim 10 is allowable under 35 U.S.C. § 103(a) over Menand in view of Dasgupta (US Patent No. 5,699,500).

Applicant respectfully submits that neither Menand nor Dasgupta, taken singly or in any permissible combination teach disclose or suggest what is recited in claim 10. The Examiner concedes that Menand fails to disclose that the API enables administrative locking and unlocking of the resources. In order to cure the Examiner's perceived deficiency of Menand, Dasgupta is cited by the Examiner.

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Dasgupta discloses a datagram messaging service for a distributed lock manager implemented on a clustered computer system including a plurality of processing nodes interconnected through a network. The messaging service establishes and maintains a plurality of virtual circuits between the processing nodes, a single virtual circuit connecting each pair of processing nodes within the clustered computer system. A distributed lock manager driver is included within each processing node, the driver including a communication service providing for the generation of datagrams comprising lock manager instructions for transmission to other processing nodes within the clustered computer system via said virtual circuits and also providing for the receipt of datagrams generated and transmitted by the other processing nodes. (Dasgupta, Abstract)

Applicants assert that claim 10 is patentable at least by virtue of the Arguments presented in Section VII. 1. of this Appeal. In addition, Applicants submit that Menand, as stated above in Section VII. 1. of this Appeal, teaches that its API is only a basic interface. The functionality that the Examiner argues is implemented by the API of Menand is, in fact, attributed by Menand to applications separate and distinct from the API. As such, since Menand clearly refers to its API as a basic interface, Menand can be said to teach away from the increased complexity of the functionality attributed to the API of Dasgupta. Thus, Dasgupta cannot be properly combined with Menand.

Therefore, Applicants respectfully submit that claim 10 defines patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claim 10 under 35 U.S.C. § 103(a), with instructions for the Examiner to allow claim 10.

6. Claims 18 and 19 are allowable under 35 U.S.C. § 103(a) over Menand in view of Alexander (US Patent No. 6,177,931).

Applicant respectfully submits that neither Menand nor Alexander, taken singly or in any permissible combination teach disclose or suggest what is recited in claims 18 and 19. The Examiner concedes that the applications as recited by claims 18 and 19. In order to cure the Examiner's perceived deficiency of Menand, Alexander is cited by the Examiner.

Alexander discloses an electronic program guide that provides: Improved viewer interaction capabilities with the EPG; improved viewer control of video recording of future-scheduled programming; improved features to the EPG display and navigation; parental control of the EPG display; improved television program information access by the viewer; improved opportunities for the commercial advertiser to reach the viewer; improved product

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information access by the viewer; creation of a viewer's profile; utilization of viewer profile information to customize various aspects of the EPG; and utilization of viewer profile information to provide customized presentation of advertising to the viewer. (Alexander, Abstract)

Applicants assert that claims 18 and 19 are patentable at least by virtue of the Arguments presented in Section VII. 1. of this Appeal. In addition, Applicants submit that the Examiner has mischaracterized claims 18 and 19. Neither claim 18 nor claim 19 recite an element that uses an electronic program guide to connect to the internet. As such, the Examiner's reliance on Alexander is misplaced. Thus, Applicants submit that Alexander fails to cure the deficiencies of Menand.

Therefore, Applicants respectfully submit that claims 18 and 19 define patentable subject matter. Accordingly, kindly reverse and vacate the rejections of claims 18 and 19 under 35 U.S.C. § 103(a), with instructions for the Examiner to allow claims 18 and 19.

CONCLUSION

In view of the discussion above, the claims of the present application are in condition for allowance. Kindly withdraw the aforementioned described rejections and allow this application to issue as a United States Patent without further delay.

The Commissioner is hereby authorized to deduct the fees for filing a brief in support of an appeal and any fees arising as a result of this Appeal Brief or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,

May 8, 2006

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VIII. CLAIMS APPENDIX

1. (Original) A television set-top terminal, comprising:

a computer readable medium having computer program code means; and
means for executing said computer program code means to implement an Application
Programming Interface (API) for accessing and managing multiple resources at the terminal,
wherein:

the API provides a resource package for registering the available resources at the
terminal, a management package for managing states of the resources, and a registry package
for storing objects that represent the resources.

2. (Original) The terminal of claim 1, wherein:

the management package manages the states of the resources according to an ITU-T
X.731 standard for state management.

3. (Original) The terminal of claim 1, wherein the available resources include at least one
of:

a tuner, a modem, a database, a plug-in module, a cable, a software module, a network
interface card, and a conditional access module.

4. (Original) The terminal of claim 1, wherein the API provides a resource registry for
maintaining a record of resource managers that provide access to individual resources.

5. (Original) The terminal of claim 1, wherein:

the API is independent of an operating system and hardware of the terminal.

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6. (Original) The terminal of claim 1, wherein:
the API groups resources of the same type, and manages the grouped resources as a group.
7. (Original) The terminal of claim 1, wherein:
the API monitors behavior of the resources, and attaches corresponding management information to the resources.
8. (Original) The terminal of claim 1, wherein:
said API enables the resources to advertise their respective states to at least one application at the terminal.
9. (Original) The terminal of claim 8, wherein:
said API enables the application to access the advertised states of the advertising resources.
10. (Original) The terminal of claim 1, wherein:
said API enables administrative locking and unlocking of the resources.
11. (Original) The terminal of claim 1, wherein:
said API enables the resources to advertise respective alarm statuses thereof to at least one application at the terminal.
12. (Original) The terminal of claim 1, wherein:

said API enables the resources to advertise respective availability statuses thereof to at least one application at the terminal.

13. (Original) The terminal of claim 1, wherein:

said API enables the resources to advertise respective procedural statuses thereof to at least one application at the terminal.

14. (Original) The terminal of claim 1, wherein:

said API enables the resources to advertise respective operational states thereof to at least one application at the terminal.

15. (Original) The terminal of claim 1, wherein:

said API enables the resources to advertise respective administrative states thereof to at least one application at the terminal.

16. (Original) The terminal of claim 1, wherein:

said API enables the resources to advertise respective usage states thereof to at least one application at the terminal.

17. (Original) The terminal of claim 1, wherein:

The resources are used for downloadable applications at the terminal.

18. (Previously presented) The terminal of claim 1, wherein the applications include at least one of:

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video on demand (VOD), audio on demand, pay-per-view, interactive shopping, electronic commerce, electronic program guides, Internet browsers, telephony services, stock ticker, weather data, travel information, games, gambling, banking, shopping, voting, and mail services, where said mail services include at least one of: text e-mail, voice mail, audio mail, and video mail.

19. (Original) The terminal of claim 1, wherein:

The applications enable at least one of Internet connectivity and Internet-based telephony.

20. (Original) A method for implementing a software architecture for a television set-top terminal, comprising the steps of:

providing a computer readable medium having computer program code means; and
executing said computer program code means to implement an Application Programming Interface (API) for accessing and managing multiple resources at the terminal;
wherein:

the API provides a resource package for registering the available resources at the terminal, a management package for managing states of the resources, and a registry package for storing objects that represent the resources.

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IX. EVIDENCE APPENDIX (not applicable)

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X. RELATED PROCEEDINGS APPENDIX (not applicable)